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## DECISION MEMO

### *Pocket Gopher Baiting*

USDA Forest Service, Northern Region  
Lochsa – Powell Ranger District  
Nez Perce – Clearwater National Forests  
Idaho County, Idaho

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#### I. Decision

I have decided to authorize renewal of the Pocket Gopher Baiting Project located on the Lochsa - Powell Ranger District, at the following legal coordinates:

Stand Number	Acres	Township	Range	Section	Subwatershed
520-05-117	23	T33N	R6E	12	Placer Creek
520-05-191	10	T33N	R6E	12	Walde Creek
520-05-197	36	T33N	R7E	6	Walde Creek
520-05-198	16	T34N	R7E	31	Walde Creek
520-05-199	16	T34N	R6E	36	Walde Creek
520-05-200	12	T34N	R6E	36	Walde Creek
520-05-201	9	T34N	R6E	36	Walde Creek
520-05-202	15	T34N	R7E	31	Walde Creek
520-05-203	2	T34N	R7E	31	Walde Creek

**Background:** Damage to conifer seedlings by pocket gophers is a major factor limiting reforestation success in the western United States. Pocket gophers can seriously affect conifer regeneration up to 10 years after planting. The most serious damage, however, occurs within the first, second or third years of tree growth. Regeneration surveys have determined that stocking levels can be reduced by as much as 50 to 75 percent in stands with high levels of pocket gopher activity.

Gophers commonly injure seedlings by pruning the roots and by girdling or clipping the stems. When stems are 0.5 inches or less in size, gophers may pull planted seedlings into their tunnels from below, leaving little evidence of the tree's existence above ground. Root pruning in plantations may go unnoticed until the tops turn brown from summer drought or until normal appearing seedlings tip over at odd angles.

**Narrative Summary:** Experience and research have shown that below ground hand baiting is the safest, most effective, and practical means of controlling damaging pocket gopher populations in the forest environment. Strychnine does not accumulate in living organisms and it breaks down rapidly in the environment, where it is subject to decomposition by microorganisms into non-toxic chemical elements. Research suggests a half-life for the strychnine in the bait of from two weeks to one month. Strychnine treated bait begins to mold

within 10 to 14 days under average soil moisture conditions; after that time period, the bait becomes unpalatable to rodents.

**Project Design Specifications/Equipment:** This project will suppress pocket gopher populations by hand-placing poison bait underground on approximately 139 acres. The EPA approved rodenticide for treating pocket gophers below ground is 0.5 percent strychnine alkaloid treated steam-rolled oats (EPA Registration Number 56228-20). One teaspoon of the oat bait is deposited below ground directly into the gophers' burrows. Treatment application rates of 1/8<sup>th</sup> to 1 pound of bait per acre is usually adequate but may be increased up to 2 pounds per acre in heavily infested stands.

The proposed gopher treatment will be performed by contract, and the contractor must be licensed by the State of Idaho as a professional pesticide applicator. The grain bait will be kept in a well-marked locked container while not in use. Transferring bait to dispensing containers will be done over plastic sheets. Bait dispensers will have covers to prevent spillage. The grain will be deposited in the underground burrows through a hole made in the top of each burrow, which will be immediately covered up. Treatment will be suspended when soils were wet or heavy rain was predicted.

Gopher treatment will generally follow INFISH/PACFISH buffers of 50 to 300 feet but in *no* case will treatment be closer than 15 feet of any open water. To provide additional protection to listed anadromous and resident fish species and other aquatic-dependent resources in the Clearwater and Lochsa River drainages, no strychnine-laced oats will be applied within 25 feet of the stream banks, of any live water, within areas of saturated soils or during periods when heavy precipitation was forecasted. No bait will be stored within 200 feet of any water source.

**Project Implementation:** Treatments will begin in early July when soil conditions were still moist but not saturated. Most contractors can treat between 50 – 100 acres per day depending on unit size and the amount of pocket gopher activity. The Forest has over 20 years of experience in treating for pocket gopher damage and no problems are anticipated with this project.

## **II. Rationale for Decision and Reasons for Categorically Excluding the Decision**

### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(6): *Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction*

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions; 2) the proposed action meeting the purpose and need; 3) the findings related to extraordinary circumstances, discussed below; 4) the project's consistency with laws and regulations, including the Forest Plan; 5) the on-the-ground review and discussion with district resource specialists; and, 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

## **B. Finding No Extraordinary Circumstances**

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states "The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist."

### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species:**

The Interdisciplinary Team (ID Team) Botanist, and Wildlife and Fisheries Biologists determined the proposed action will have no direct or indirect effect or impact on listed or sensitive plant, wildlife or fish species or habitat, and suitable habitat will not be altered because habitat is not present in the project area, habitat is present but the species do not occur in the project area or habitat is present and the species may occur but the project will not affect the habitat for the species; therefore, no incremental effects exist that will cause a cumulative effect, as documented in the Biological Assessments and Evaluations, and specialists' reports (see plant, wildlife, and fish sections of the project record).

### **2. Floodplains, wetlands or municipal watersheds:**

Floodplains: The Project will not modify or occupy floodplains to an extent greater than already exists. As such, there will be no adverse impacts to floodplains; thereby complying with EO 11988 and FSH 1909.15, Chapter 30.3.2.

Wetlands: The Project does not propose to modify or destroy wetlands. As such, the Project will not adversely affect wetlands; thereby complying with EO 11990 and FSH 1909.15, Chapter 30.3.2.

Municipal Watersheds: The Project area is not located within a municipal watershed. As such, the Project will not adversely affect municipal watersheds; thereby complying with FSH 1909.15, Chapter 30.3.2.

### **3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:**

The project area is not located within congressionally designated wilderness areas, wilderness study areas or Wild and Scenic River corridors; therefore, no extraordinary circumstances were identified.

### **4. Inventoried Roadless areas or potential wilderness areas:**

The project is not located within any Clearwater Forest Plan Roadless areas or Idaho

Roadless areas (36 CFR 294(c)) or potential wilderness areas; therefore, no extraordinary circumstances were identified.

**5. Research Natural Areas:**

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

**6. American Indians and Alaska native religious or cultural sites and**

**7. Archaeological sites or historical properties or areas:**

Pursuant to 36 CFR 800.3(a)(1), this project has no potential to cause effects on historic properties, assuming such properties are present; therefore, the Forest Service has no further legal obligation concerning National Historic Preservation Act compliance.

Additionally, the Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project and determined it will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**III. Interested and Affected Agencies, Organizations, and Persons Contacted**

On May 1, 2014, the Nez Perce – Clearwater National Forest mailed letters providing information and seeking public comment to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d'Alene tribal councils. The letters, as well as any applicable responses, are contained within the project record.

**IV. Findings Required by Other Laws**

Based on my review of the action associated with this project, I find that it is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Clearwater National Forest Plan:** This action is consistent with the Clearwater National Forest Plan (USDA Forest Service 1987b), as amended, as required by the National Forest Management Act of 1976 because it follows the standards and guidelines contained in those plans. In addition, the decision considers the best available science (36 CFR 219.35(a); Reinstatement of the 2000 Planning Rule; 74 FR 242).

**PACFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the proposed action comply with direction regarding PACFISH because no effects to wildlife or fish species or habitat are anticipated, and minimal soil disturbance will occur.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialists' reports, and determined the project is consistent with the Endangered Species Act because no effects to threatened and endangered species are anticipated.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) because no effects to air quality are anticipated and no prescribed burning is planned.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, and state and Federal water

quality laws because it will have no significant effect to the water quality of area or downstream waters.

**National Historic Preservation Act:** Because of the type of project and its location, the Forest Cultural Resource Specialist has determined that it has little likelihood to adversely affect cultural properties; therefore, the project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**Migratory Bird Treaty Act:** No substantial losses of migratory bird habitat are expected from the implementation of this project nor any measurable impact on neotropical migratory bird populations as a whole; therefore, the proposed action complies with the Migratory Bird Treaty Act.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to Federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**American Indian Treaty Rights:** The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project, and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

**Environmental Justice:** The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

**Prime Farm Land, Range Land, and Forest Land:** The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

**Energy Requirements:** No unusual energy demands are required to implement the proposed action.

**Other Laws or Requirements:** The proposed action is consistent with all other Federal, state or local laws or requirements for the protection of the environment and cultural resources.

## **V. Administrative Review and Appeal Opportunities, and Implementation Date**

This decision is no longer subject to appeal pursuant to the U.S. Court of Appeals for the Ninth Circuit Court Order, filed March 7, 2014, in Case No. 12-16206 (DC No. 1:11-cv-00679-LJO-DLB). The project may be implemented during the timeframe specified above.

**VI. Contact Person**

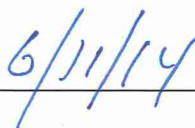
Questions regarding this decision should be sent to Linda S. Helm, Small NEPA Team Coordinator, c/o Nez Perce Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536 or by telephone to (208) 935-4285 or facsimile transmittal at (208) 983-4275 during business hours (M-F, excluding Federal holidays, 7:30 a.m. to 4:30 p.m., PST).

**VII. Signature of Deciding Officer**



CRAIG TRULOCK  
District Ranger  
Lochsa – Powell Ranger District

Date



Enclosures: Maps of Site

cc: Mark Anderson, Mark Valencia, and Geoff Kaeberle

## Maps of Project Sites

## Central Zone Tree Planting

